

Notice of Allowability

Application No.

09/874,563

Examiner

Daniel L. Greene

Applicant(s)

ATCHESON ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/11/2005.
2. ☒ The allowed claim(s) is/are 1-7,9-18,20,25-28,30,36-38 and 42-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

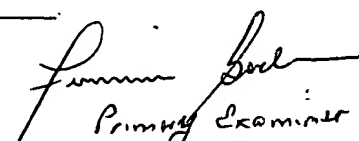
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Primary Examiner
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DETAILED ACTION

Allowable Subject Matter

As per claims 1, 9,10,11,14,15,25 and 42 the closest prior art of record Nordgren, Layne "Taste Mate Video Selection System" and Hey, U.S. Patent No. 4,996,642 taken either individually or in combination with other prior art of record fails to teach or suggest the requirement of the selecting of the output preferences is performed through a comparison/identification process that involves at least a first and a second matching or similarity thresholds. Neither Nordgren, nor Hey, individually or in combination, suggest the recitation. Nordgren discloses a method for outputting recommendations for video. It further discloses that the main menu has buttons to the four main functions, one of which is a Recommends button. On selection, a jukebox panel is presented, through which a user can "select three favorite movies". Further, on selection of the three favorite movies, a user will be asked to further select those movies the user "really like". Then, a final list of recommendations will be presented. (Paragraph 6-8.) There is no disclosure on how the final list is generated.

The specific allowable feature, which distinguishes the present invention over the prior art, is the disclosure that suggests the final list is to be generated employing a process that involves "a first and a second (matching or similarity) thresholds". Further, claim 1 specifically requires comparing at least a subset of the user preferences against the plurality of data files in the database to identify matching data files, each matching data file containing preferences matching at least a threshold number of the indicated user preferences.

The required "comparing" operation compares the provided user preferences against a plurality of data files to identify matching data files. Such a "comparing" is neither inherently required, nor readily suggested from the description of a recommendation process that provides recommendations based on "really like" indications that are provided subsequent to an initial small "favorite" indication.

Claim 9 specifically requires determining that a number of the preferred music selections match with the plurality of associated music selections in the database; determining a number of unmatched associated music selections in the database.

The limitations require the determining of the preferred music selections match with the associated music selections, as well as determining unmatched associated music selections. Such dual determining operations against/with a collection of associated music selections are neither inherently required, nor readily suggested from the description of a recommendation process that provides recommendations based on "really like" indications that are provided subsequent to an initial small "favorite" indication.

Thus, Nordgren fails to teach or suggest at least the required dual determining operations, a deficiency not cured by Hey.

Claim 15 specifically requires identifying at least one set of objects having at least a threshold of similarities in common with the first set of objects and generating a combined set of objects from the identified at least one set of objects.

Further, the limitations require as part of the recommendation generation process, identifying a (first) set of objects, and then generating a combined set of objects from the identified (first) set of objects. Such a combination of interdependent object identification and generation operations is neither inherently required, nor readily suggested from the description of a recommendation process that provides recommendations based on "really like" indications that are provided subsequent to an initial small "favorite" indication.

The specific allowable feature, which distinguishes the present invention over the prior art, is the disclosure that suggests at least the required combination of identifying and generating operations.

Claims 2-7, 16-18, 20, 26-28, 30, 36-38 and 43-48 depend on either claim 1, 9, 10,11,14 15, 25 or 42, incorporating their limitations correspondingly and thus has all the limitations of claims 1, 9, 10,11,14 15, 25 or 42 and are allowable for that reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

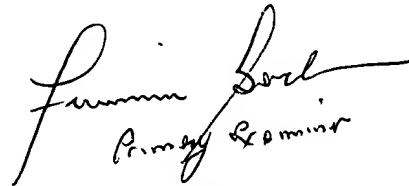
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

10/1/2005



Primary Examiner
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